

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTHONY KIRK THOMPSON,

Plaintiff,

v.

DOUG WADINGTON, DELP, WCC
MEDICAL STAFF,

Defendants.

CASE NO. 3:15-CV-05460-RBL-DWC

REPORT AND RECOMMENDATION

Noting Date: October 9, 2015

Plaintiff, who is proceeding *pro se*, filed his proposed Complaint on July 6, 2015. Dkt. 1. Plaintiff submitted a prison trust account statement, but did not submit an application to proceed *in forma pauperis* (“IFP”) or pay the \$400.00 filing fee. *See* Dkt. 4. The Clerk of Court instructed Plaintiff to file an application to proceed IFP or pay the filing fee by August 5, 2015. Dkt. 2. Plaintiff failed to follow the Clerk’s directive and, on August 11, 2015, the Court ordered Plaintiff to submit an application to proceed IFP or pay the \$400.00 filing fee by September 11, 2015. *See* Dkt. 5. Plaintiff’s failure to comply with the Order would result in the Court recommending dismissal of this case. *Id.*

1 Plaintiff has failed to comply with the Court's Order. Plaintiff has not filed an application
2 to proceed IFP or paid the \$400.00 filing fee. As Plaintiff has failed to follow the Court's Order
3 and prosecute this case, the Court recommends this case be dismissed without prejudice.

4 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
5 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
6 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those
7 objections for purposes of appeal. *Thomas v Arn*, 474 U.S. 140 (1985). Accommodating the time
8 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on October
9 9, 2015, as noted in the caption.

10 Dated this 21st day of September, 2015.

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12 David W. Christel
13 United States Magistrate Judge
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